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August 22, 2003

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AUG 22 2003

VIA HAND-DELIVERY

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

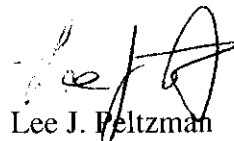
Marlene H. Dortch
Secretary
Federal Communications Commission
Portals II – 12th Street Lobby
Filing Counter – TW – A325
445 12th Street, S.W.
Washington, D.C. 20554

**Re: MM Docket No. 02-73
RM-10400, 10741 and 10742
(Cameron, Arizona, et. al.)
Response**

Dear Ms. Dortch:

Transmitted herewith, on behalf of NPR Phoenix, LLC and 3 Point Media-Arizona, LLC, are an original and four (4) copies of their Response in the above-referenced proceeding. In the event the Commission has any questions with respect to the filing of this Response, please contact the undersigned.

Respectfully submitted,



Lee J. Peltzman
Counsel for
3 POINT MEDIA-ARIZONA, LLC

Enclosures

cc: Deborah Dupont (w/encl.) – via hand delivery

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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AUG 22 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Amendment of Section 73.202(b))	
of the Commission's Rules, Table of Allotments,)	MM Docket No. 02-73
FM Broadcast Stations)	RM-10400, RM 10741,
(Cameron, et al, Arizona))	and RM-10742

To: Assistant Chief, Audio Division
Media Bureau

RESPONSE

3 Point Media-Arizona, LLC ("3 Point"), licensee of Station KVNA-FM, Flagstaff, Arizona, successor-in-interest to Arizona Radio Partners, LLC, and NPR Phoenix, LLC ("NPR"), licensee of Station KEDJ(FM), Gilbert, Arizona, by their respective attorneys, hereby respond to the Statement in Response to Public Notice, filed by Tusayan Broadcasting Company, Inc. ("TBCI") and Reply Comments filed by Farmworker Educational Radio Network, Inc. ("FERNI").

The Commission on July 9, 2003, released a Public Notice, Report No. 2613 accepting 3 Point's and NPR's Global Resolution as a Counterproposal in this proceeding. 3 Point and NPR filed Joint Reply Comments supporting the Global Resolution. TBCI and FERNI also filed Comments with respect to the Global Resolution.

TBCI's submission suffers from procedural infirmities. TBCI proposes that Channel 247C be allotted to Marble Canyon, Arizona as that community's first aural service. TBCI first submitted this proposal in its consolidated Reply Comments filed on June 3, 2002, weeks after the May 20, 2002 Counterproposal filing deadline in this proceeding.¹

¹ TBCI filed its initial Counterproposal on May 22, 2002, two days after the May 20, 2002 Comment deadline. It requested a waiver of the Commission's rules because of its late-filed Counterproposal, asserting that its late filing occurred because it was ignorant of the fact that electronic filings are not permitted in FM allotment proceedings. C:\Documents and Settings\Karen\Local Settings\Temporary Internet Files\OLK2\A\Cameron_Response_082203c1.doc Mae-18A\Desktop Folder\Cameron_Response_082203c1.doc

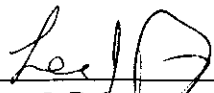
However, TBCI's ill-conceived attempt to bring Marble Falls into this rulemaking is unacceptable. It has long been held that parties may not attempt to introduce new communities into a rulemaking proceeding after the Comment date has passed. *See Genoa, Colorado*, 18 FCC Rcd 1465 n. 4 (2003); *Detroit Lakes and Barnesville, Minnesota*, 16 FCC Rcd 22581 at para. 10 (2001) (an allotment proposal which introduces an additional community into a proceeding must be advanced in the initial Comments); *Camdenton and Laurie, Missouri*, 16 FCC Rcd 8917 at n. 5 (2001) (it is well established that new communities cannot be introduced after the Counterproposal deadline in an allotment rulemaking proceeding); *Corpus Christi and Three Rivers, Texas*, 11 FCC Rcd 517 (1996), *denying recon.*, 8 FCC Rcd 1375 (1993). In view of this deficiency, TBCI's attempt to circumvent the Commission's procedures cannot be accepted. Its Statement and its fatally defective Marble Falls Counterproposal should be promptly dismissed.

In FERNI's Reply Comments, FERNI submits that the Commission should delete the proposal contained in the Global Resolution to substitute Channel 252C3 for vacant allotment Channel 247C3 at Parker, Arizona because it is unnecessary for a Global Resolution of the case. 3 Point and NPR have no objection to the deletion of the Parker element of their Global Resolution should the Commission agree with FERNI's reasoning and deem the Parker substitution unnecessary, in view of the fact that the assignment of Channel 247C3 to Parker became final on July 8, 2002 (which was after the submission of the Global Resolution).

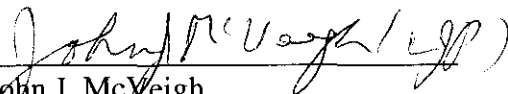
In view of the above, the Commission cannot consider TBCI's late filed Counterproposal. The Commission should promptly adopt a Report and Order implementing the Global Resolution, consistent with FERNI's comments, in this proceeding.

Respectfully submitted,

3 POINT MEDIA-ARIZONA, LLC

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NPR PHOENIX, LLC

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Date: August 22, 2003

Certificate of Service

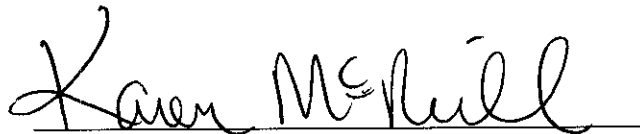
I hereby certify that I have this Twenty-Second day of August, 2003, sent a copy of the foregoing Response by first class United States mail, postage prepaid to:

McCody Broadcast Group, Inc.
885 Third Avenue, 34th Floor
New York, New York 10022
(Petitioner, MM Docket No. 02-73)

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A handwritten signature in black ink, reading "Karen McNeill", written over a horizontal line.